

Docket No. 1010/133US1

**DECLARATION AND POWER OF ATTORNEY**

As a below named inventor(s), I/We hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**FLAVANOLS AND PROCYANIDINS PROMOTE HOMEOSTASIS**

the specification of which (check one) is:

☐

attached hereto

☒

was filed on December 2, 2003 as Appl. Ser. No. 10/725,805 and amended on \_\_\_\_\_ (if applicable)

☐

was described and claimed in PCT Appl. No. \_\_\_\_\_ filed on \_\_\_\_\_ and amended under Article 19 on \_\_\_\_\_

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose all information I know to be material to patentability in accordance with Title 37, Code of Federal Regulation, Section 1.56.

I hereby claim priority under Title 35, United States Code, Sections 119 and 365(b), of any United States provisional application(s) or foreign application(s) for patent or inventor's certificate listed below, and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior U.S. Provisional or Foreign Application(s)

Serial Number	Country	Filing Date	Priority Claimed (Y/N)
60/430,304	US	December 2, 2002	Yes
60/436,135	US	December 23, 2002	Yes
60/436,395	US	December 24, 2002	Yes
60/436,879	US	December 27, 2002	Yes

I hereby claim the benefit under Title 35, United States Code, Section 120, of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Section 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Serial Number	Filing Date	Status
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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the application and validity of any patent issued thereon.

I hereby appoint:

Nada Jain      Reg. No. 41, 431

Of the firm Nada Jain, P.C., 560 White Plains Road, Tarrytown, NY 10591, my attorney with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

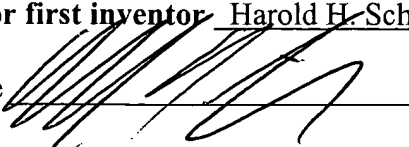
Address all communications to:

Nada Jain, Esq.  
NADA JAIN, P.C.  
560 White Plains Road  
Tarrytown, NY 10591

Wherefore I request that Letters Patent be granted to me for the invention or discovery described and claimed in the foregoing specification and claims, and I hereby subscribe my name to the foregoing specification and claims, declaration, power of attorney, and this petition.

**Full name of sole or first inventor** Harold H. Schmitz

Inventor's signature



Date:

4/22/04

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Citizenship US

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